

7,083,576
10/639,050
END5248USCNT1IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,083,576
Issue Date : August 1, 2006
Customer No : 000027777 Confirmation No.: 6741
Applicants : Zarins, et al.
Serial No. : 10/639,050 Art Unit: 3736
Filed : August 11, 2003 Examiner: Marmor II, Charles
For : BIOPSY MARKER DELIVERY SYSTEM

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AUG 22 2006

I certify this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office on August 22, 2006.

/Andrew B. Ulmer/
Andrew B. Ulmer

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTIFICATION OF LOSS OF SMALL ENTITY STATUS
AND
CORRECTION OF FEE PAYMENT DEFICIENCY (37 CFR 1.28(c))

Dear Sir:

On May 2, 2006, the Applicant/Patentee filed the Issue Fee Transmittal for the above-referenced application, with authorization to charge the issue fee and publication fee to the Applicant/Patentee's deposit account. While Applicant was entitled to small entity status as of the filing date for the above-referenced application, as of May 2, 2006, the Applicant/Patentee was no longer entitled to small entity status. However, the Issue Fee Transmittal listed the Applicant as a small entity, and listed the issue fee amount (\$700) that would have been due for a small entity. The Applicant/Patentee inadvertently failed to mark box 5.b. on the Issue Fee Transmittal to indicate the change in small entity status before filing the Issue Fee Transmittal, and has since discovered this error. Applicant/Patentee submits that this failure to mark box 5.b. on the Issue Fee Transmittal, or to otherwise notify the Patent Office of the

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loss of small entity status before payment of the issue fee, was an inadvertent error made in good faith.

In view of the foregoing, the Applicant/Patentee hereby notifies the Patent Office of the loss of small entity status. The Applicant/Patentee further wishes to submit payment for the deficiency in the issue fee payment, which Applicant/Patentee believes is \$700.00. In addition, the Applicant/Patentee wishes to submit payment for Request for Continued Examination and Terminal Disclaimer fees, which were originally paid in good faith at the small entity amount, despite the fact that Applicant/Patentee was no longer a small entity at the time such fees were paid. While Applicant/Patentee believes that the Request for Continued Examination and Terminal Disclaimer fees were properly paid at the small entity amounts in accordance with 37 CFR 1.27(g)(1), Applicant/Patentee is nevertheless including such fees in the deficiency calculation. The total deficiency has been calculated as shown in the below itemization.

Itemization under 37 CFR 1.28(c)(2)				
Type of Fee	Large Entity Fee Amount	Small Entity Amount Paid	Date of Payment	Deficiency Owed (per Item)
Issue Fee	\$1,400	\$700	05/02/2006	\$700
Request for Continued Examination	\$790	\$395	06/27/2005	\$395
Terminal Disclaimer	\$130	\$65	03/02/2005	\$65
Total Deficiency Owed				\$1,160

Accordingly, the Applicant/Patentee authorizes the Office to charge the fee deficiency of \$1,160.00 to Deposit Account No. 10-0750/END5248USCNT1/GSG, and any other fees necessary to process this submission or otherwise correct the deficiency.

The Applicant/Patentee submits that this submission complies with the requirements of 27 CFR 1.28(c). The Applicant/Patentee therefore respectfully requests that the Office accept the Patentee's payment of the above-noted fee deficiencies for the above-referenced application.

08/22/2006 TUE 13:33 FAX

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10/639,050
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Respectfully submitted,

/Andrew B. Ulmer/

Andrew B. Ulmer

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Doc 28384v1

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TO:	Commissioner for Patents	DATE:	August 22, 2006
FAX:	1-(571) 273-8300	Re:	END5248USCNT1 USSN: 10/639,050
FROM:	Andy Ulmer on behalf of Gerry Gressel	No. of PAGES:	Including Cover Page : 4
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Sincerely,

Kimberly M. Moses
Executive Legal Assistant
Dean L. Garner and Gerry S. Gressel
Johnson & Johnson Law Department
Email: kmoses@eesus.jnj.com
513-337-7019 Tel
513-337-4030 Fax

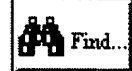
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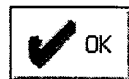
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